

REMARKS

This Amendment is being filed in response to the Office Action mailed September 15, 2010 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-2, 4-6 and 8-14 remain in this application, where claims 1, 5, 9 and 12 are independent.

In the Office Action, claims 1-2 and 5-6 are rejected under 35 U.S.C. §103(a) over U.S. Patent 7,184,377 (Ito) in view of U.S. Patent 7,082,092 (Weijenbergh) and U.S. Patent Application Publication No. 2005/0002420 (Yoon). Further, claims 9-10 and 12-13 are rejected under 35 U.S.C. §103(a) over Ito in view of Yoon. Claims 4 and 8 are rejected under 35 U.S.C. §103(a) over Ito in view of Weijenbergh, Yoon and U.S. Patent No. 6,678,236 (Ueki). Claims 11 and 14 are rejected under 35 U.S.C. §103(a) over Ito in view of Yoon and Ueki. It is respectfully submitted that claims 1-2, 4-6 and 8-14 are patentable over Ito, Weijenbergh, Yoon and Ueki for at least the following reasons.

As correctly noted on page 3, lines 9-10 of the Office Action, Ito does not disclose or suggest that control information is written on the second information layer, after the first recording where user information is written in the user information area of the first layer and before the second recording where user information is written in the user information area

of the second layer, as recited in independent claims 1, 5, 9 and 12. Column 15, lines 8-13 of Weijenbergh and paragraph [0035] of Yoon are cited to allegedly show this feature. These allegations are respectfully traversed. In particular, column 15, lines 8-13 of Weijenbergh specifically recite (emphasis added):

The first Session shall be preceded by a Lead-in Zone instead of an Intro Zone, the final Session shall be followed by a Lead-out Zone instead of a Closure Zone. Once a Lead-out Zone has been recorded, the disc is called "finalized" and no additional recordings to the disc shall be allowed.

Further, paragraph [0035] of Yoon specifically recites (emphasis added):

As described above, the lead-out area 130 has a guard function that prevents an optical pickup (not shown) from deviating from the user data area during recording and/or reproduction of data, and in case of a dual-layer disc the lead-out area can keep/maintain tracking while interlayer jumping from the outermost circumference.

It is respectfully submitted that column 15, lines 8-13 of Weijenbergh and paragraph [0035] of Yoon are completely silent as to WHEN the lead-out area 130 is written with any information. Rather, column 15, lines 8-13 of Weijenbergh merely recites that first session are preceded by a Lead-in Zone and the final Session is followed by Lead-out Zone, where the disc is finalized and no additional recording is allowed once a Lead-out Zone has been recorded. Further, paragraph [0039] of Yoon specifically states that the lead-out area 130 is recorded "after completion of manufacture of the disc." (Yoon, paragraph [0039], line1) In addition, paragraph [0040] of Yoon specifically states that the lead-out area 130 is recorded "when formatting the optical medium." (Yoon, paragraph [0040], lines 2-3).

Even, assuming arguendo, that somehow Ito, Weijenbergh and Yoon disclose or

suggest that "the initialization act [where control information is written in the second layer] is located in time after the first recording act and before the second recording act," there is still no disclosure or suggestion Ito, Weijenbergh, Yoon, and combinations thereof of "allowing the user information recorded on the second layer directly after a layer jump from the first layer to the second layer to be read back before the finalizing act," as recited in independent claim 1, and similarly recited in independent claims 5, 9 and 12. (Illustrative emphasis provided).

In summary, it is respectfully submitted that Ito, Weijenbergh, Yoon, and combinations thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5, 9 and 12 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the initialization act is located in time after the first recording act and before the second recording act for allowing the user information recorded on the second layer directly after a layer jump from the first layer to the second layer to be read back before the finalizing act.

These features are nowhere disclosed or suggested in Ito, Weijenbergh and Yoon, alone or in combination. Ueki is cited to allegedly show other features and do not remedy the deficiencies in Ito and Yoon.

Accordingly, it is respectfully submitted that independent claims 1, 5, 9 and 12 should be allowable. In addition, claims 2, 4, 6, 8, 10-11 and 13-14 should be allowable at least based on their dependence from independent claims 1, 5, 9 and 12.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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